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7 Attorneys for Plaintiffs
8 EVOLUTION FAST FOODS, LLC and
9 MITCH C. WALLIS

10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

12 EVOLUTION FAST FOODS, LLC, a
13 California limited liability company, and
14 MITCH C. WALLIS,

15 Plaintiffs and Counterclaim-Defendants,

16 v.

17 EVOLUTION FRESH, INC., a Delaware
18 corporation, and STARBUCKS
19 CORPORATION, a Washington
20 corporation,

21 Defendants and Counterclaim-Plaintiffs,
22 and DOES 1-20, inclusive,
23 Defendants.

Case No. 3:12-cv-2003-JAH (WVG)

**STIPULATION OF DISMISSAL
WITH PREJUDICE**

24 Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, Plaintiffs and
25 Counterclaim-Defendants, Evolution Fast Foods, LLC and Mitch C. Wallis
26 (“Plaintiffs”), and Defendants and Counterclaim-Plaintiffs, Evolution Fresh, Inc.
27 and Starbucks Corporation (“Defendants”), by and through their undersigned
28

counsel, hereby stipulate to voluntarily dismiss with prejudice Plaintiffs' claims
against Defendants and Defendants' counterclaims against Plaintiffs in this action.
Each party agrees to bear its own costs, expenses, and attorneys' fees.

STIPULATED BY THE PARTIES

Dated: February 18, 2014

By: /s/ Gary L. Eastman

Gary L. Eastman
EASTMAN & MCCARTNEY LLP
gary@eastmanmccartney.com

ATTORNEY FOR PLAINTIFFS
AND COUNTERCLAIM-
DEFENDANTS EVOLUTION FAST
FOODS, LLC AND MITCH C.
WALLIS

Dated: February 18, 2014

By: /s/ Lisa M. Martens

Lisa M. Martens
FISH & RICHARDSON P.C.
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ATTORNEY FOR DEFENDANTS
EVOLUTION FRESH, INC. AND
STARBUCKS CORPORATION

PROOF OF SERVICE

I, the undersigned certify and declare as follows:

I am over the age of eighteen years and not a party to this action. My business address is 401 West A Street, Suite 1785, San Diego, California, 92101, which is located in the county where the service described below took place.

On February 18, 2014, at my place of business in San Diego, California, I served the following document:

STIPULATION OF DISMISSAL WITH PREJUDICE

Via the CM/ECF FILING SYSTEM. The undersigned hereby certifies that he caused a copy of the foregoing documents to be filed with the clerk of the U.S. District Court, Southern District of California, using the CM/ECF filing system, which caused a copy to be electronically mailed to the following CM/ECF Participant(s) noted below:

Lisa M. Martens (SBN 195824)
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12390 El Camino Real
San Diego, CA 92130
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I certify and declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct.

Executed on February 18, 2014 in San Diego, California

By: /s/ Gary L. Eastman
Gary L. Eastman